

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISOSULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY ATTILIO LUCIANO,

Defendant.

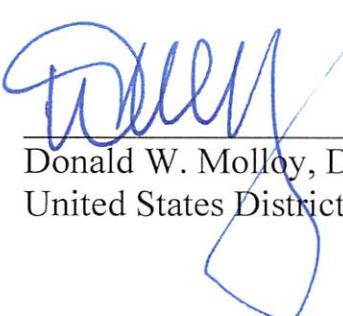
CR 24-26-M-DWM

ORDER

The United States moves to hold the Defendant's motion to dismiss (Doc. 17) in abeyance pending potential *en banc* review of *United States v. Duarte*, \_\_\_ F.4th \_\_\_, 2024 WL 2068016 (9th Cir. May 9, 2024). (Doc. 19.) The Defendant opposes the motion but has yet to respond.

IT IS ORDERED that the United States' motion to hold the Defendant's motion to dismiss in abeyance (Doc. 19) is DENIED.

DATED this 10<sup>th</sup> day of June, 2024.

  
Donald W. Molloy, District Judge  
United States District Court